

REMARKS

In response to the Office Action mailed on September 21, 2007, Applicants respectfully request reconsideration based on the following remarks. Claims 1-29 are presently pending in the instant application. Claims 1-28 have been allowed. Applicants respectfully submit that Claims 1-29 are in condition for allowance.

Claim Rejections Under - 35 USC §101

Claim 29 stands rejected under 35 U.S.C. §101 as the claimed invention is allegedly directed to non-statutory subject matter. Applicants respectfully submit that Claim 29 does not recite computer program code in the form of a transmission medium; rather, Claim 29 clearly recites a “computer program product comprising a **storage medium** readable by a processing circuit and storing instructions for execution by the processing circuit”. As such, Claim 29 is directed to statutory subject matter in compliance with 35 U.S.C. §101. “[F]unctional descriptive material” consists of data structures and computer programs which impart functionality when employed as a computer component.” See MPEP 2106.01. “When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized.” *Id.* See, for example, *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994)(discussing patentable weight of data structure limitations in the context of a statutory claim to a data structure stored on a computer readable medium that increases computer efficiency) and *Warmerdam*, 33 F.3d at 1360-61, 31 USPQ2d at 1759 (claim to computer having a specific data structure stored in memory held statutory product-by-process claim). Accordingly, Applicants respectfully submit that Claim 29 is allowable.

Conclusion

Allowance of the claims is respectfully requested in view of the above remarks. Moreover, no amendments have been presented that alter the scope of the claimed invention, and therefore cannot necessitate a new grounds rejection.

It is believed that the foregoing remarks are fully responsive to the Office Action and that the claims should be allowable to Applicants. In the event the Examiner has any queries regarding the instantly submitted response, the undersigned respectfully request the courtesy of a telephone conference to discuss any matters in need of attention.

If there are any charges with respect to this response or otherwise, please charge them to Deposit Account 50-0510 maintained by Applicants' attorneys.

Respectfully submitted,
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